

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1442

Introduced by Assembly Member La Suer
(Coauthors: Assembly Members Bates, Benoit, Bogh, Cogdill, Cox,
Daucher, Dutton, Maddox, Maldonado, Pacheco, Plescia,
Spitzer, and Strickland)

February 21, 2003

An act to amend Section 3000 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 1442, as amended, La Suer. Parole: global positioning system monitoring.

Existing law provides for varying terms of parole, ~~including terms not exceeding 3 years or 5 years, as specified, and subject to exceptions.~~

This bill would ~~provide that~~ *require that specified* inmates released to parole ~~under the provisions establishes the 3 and 5 year maximum terms~~ would be monitored by a Global Positioning System, for the term of the inmates' parole.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3000 of the Penal Code is amended to
2 read:
3 3000. (a) (1) The Legislature finds and declares that the
4 period immediately following incarceration is critical to

1 successful reintegration of the offender into society and to positive
2 citizenship. It is in the interest of public safety for the state to
3 provide for the supervision of and surveillance of parolees,
4 including the judicious use of revocation actions, and to provide
5 educational, vocational, family and personal counseling necessary
6 to assist parolees in the transition between imprisonment and
7 discharge. A sentence pursuant to Section 1168 or 1170 shall
8 include a period of parole, unless waived, as provided in this
9 section.

10 (2) The Legislature finds and declares that it is not the intent of
11 this section to diminish resources allocated to the Department of
12 Corrections for parole functions for which the department is
13 responsible. It is also not the intent of this section to diminish the
14 resources allocated to the Board of Prison Terms to execute its
15 duties with respect to parole functions for which the board is
16 responsible.

17 (3) The Legislature finds and declares that diligent effort must
18 be made to ensure that parolees are held accountable for their
19 criminal behavior, including, but not limited to, the satisfaction of
20 restitution fines and orders.

21 (4) Any finding made pursuant to Article 4 (commencing
22 with Section 6600) of Chapter 2 of Part 2 of Division 6 of the
23 Welfare and Institutions Code, that a person is a sexually violent
24 predator shall not toll, discharge, or otherwise affect that person's
25 period of parole.

26 (b) Notwithstanding any provision to the contrary in Article 3
27 (commencing with Section 3040) of this chapter, the following
28 shall apply:

29 (1) At the expiration of a term of imprisonment of one year and
30 one day, or a term of imprisonment imposed pursuant to Section
31 1170 or at the expiration of a term reduced pursuant to Section
32 2931 or 2933, if applicable, the inmate shall be released on parole
33 for a period not exceeding three years, except that any inmate
34 sentenced for an offense specified in paragraph (3), (4), (5), (6),
35 (11), (16), or (18) of subdivision (c) of Section 667.5 shall be
36 released on parole for a period not exceeding five years, unless in
37 either case the parole authority for good cause waives parole and
38 discharges the inmate from the custody of the department. Every
39 inmate who is released on parole pursuant to this subdivision *for*
40 *an offense specified in paragraph (3), (4), (5), (6), (11), (16), or*



1 (18) of subdivision (c) of Section 667.5 shall be monitored by a
2 Global Positioning System for the term of his or her parole.

3 (2) In the case of any inmate sentenced under Section 1168, the
4 period of parole shall not exceed five years in the case of an inmate
5 imprisoned for any offense other than first or second degree
6 murder for which the inmate has received a life sentence, and shall
7 not exceed three years in the case of any other inmate, unless in
8 either case the parole authority for good cause waives parole and
9 discharges the inmate from custody of the department. This
10 subdivision shall also be applicable to inmates who committed
11 crimes prior to July 1, 1977, to the extent specified in Section
12 1170.2.

13 (3) Notwithstanding paragraphs (1) and (2), in the case of any
14 offense for which the inmate has received a life sentence pursuant
15 to Section 667.61 or 667.71, the period of parole shall be five
16 years. Upon the request of the Department of Corrections, and on
17 the grounds that the paroled inmate may pose a substantial danger
18 to public safety, the Board of Prison Terms shall conduct a hearing
19 to determine if the parolee shall be subject to a single additional
20 five-year period of parole. The board shall conduct the hearing
21 pursuant to the procedures and standards governing parole
22 revocation. The request for parole extension shall be made no less
23 than 180 days prior to the expiration of the initial five-year period
24 of parole. Every inmate who is released on parole pursuant to this
25 subdivision shall be monitored by a Global Positioning System for
26 the term of his or her parole.

27 (4) The parole authority shall consider the request of any
28 inmate regarding the length of his or her parole and the conditions
29 thereof.

30 (5) Upon successful completion of parole, or at the end of the
31 maximum statutory period of parole specified for the inmate under
32 paragraph (1), (2), or (3), as the case may be, whichever is earlier,
33 the inmate shall be discharged from custody. The date of the
34 maximum statutory period of parole under this subdivision and
35 paragraphs (1), (2), and (3) shall be computed from the date of
36 initial parole or from the date of extension of parole pursuant to
37 paragraph (3) and shall be a period chronologically determined.
38 Time during which parole is suspended because the prisoner has
39 absconded or has been returned to custody as a parole violator shall
40 not be credited toward any period of parole unless the prisoner is

1 found not guilty of the parole violation. However, in no case,
2 except as provided in Section 3064, may a prisoner subject to three
3 years on parole be retained under parole supervision or in custody
4 for a period longer than four years from the date of his or her initial
5 parole, and, except as provided in Section 3064, in no case may a
6 prisoner subject to five years on parole be retained under parole
7 supervision or in custody for a period longer than seven years from
8 the date of his or her initial parole or from the date of extension of
9 parole pursuant to paragraph (3).

10 (6) The Department of Corrections shall meet with each inmate
11 at least 30 days prior to his or her good time release date and shall
12 provide, under guidelines specified by the parole authority, the
13 conditions of parole and the length of parole up to the maximum
14 period of time provided by law. The inmate has the right to
15 reconsideration of the length of parole and conditions thereof by
16 the parole authority. The Department of Corrections or the Board
17 of Prison Terms may impose as a condition of parole that a prisoner
18 make payments on the prisoner's outstanding restitution fines or
19 orders imposed pursuant to subdivision (a) or (c) of Section 13967
20 of the Government Code, as operative prior to September 28,
21 1994, or subdivision (b) or (f) of Section 1202.4.

22 (7) For purposes of this chapter, the Board of Prison Terms
23 shall be considered the parole authority.

24 (8) The sole authority to issue warrants for the return to actual
25 custody of any state prisoner released on parole rests with the
26 Board of Prison Terms, except for any escaped state prisoner or
27 any state prisoner released prior to his or her scheduled release date
28 who should be returned to custody, and Section 3060 shall apply.

29 (9) It is the intent of the Legislature that efforts be made with
30 respect to persons who are subject to subparagraph (C) of
31 paragraph (1) of subdivision (a) of Section 290 who are on parole
32 to engage them in treatment.

